

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTIETH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 7845 of 2002

Between:

Y.V.Srinivas S/o. Y.V.Satayanarayana Murthy
R/o. H.No. MIG-84, APHB Colony, II Phase,
Moula-Ali, Hyderabad-500 040.

..... PETITIONER

AND

- 1 The Director of School Education,
Saifabad, Hyderabad.
- 2 The Regional Joint Director,
Kakinada, East Goadavari District.
- 3 The District Educational Officer,
Machilipatnam, Krishna District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ of Mandamus, or any other appropriate Writ, Order or Direction, declaring the action of the respondents in not permitting the petitioner to function as the Correspondent of the schools as illegal and arbitrary.

Counsel for the Petitioner: MR.C.NAGESWARA RAO

**Counsel for the Respondents: GP FOR SCHOOL
EDUCATION**

The Court made the following:

ORDER:

This writ petition is filed seeking a Mandamus declaring the action of the respondents in not permitting the petitioner to function as Correspondent of Bala Bharathi Children's Cultural Society and Bala Bharathi School, Governorpet, Vijayawada, as illegal and arbitrary.

The petitioner states that the founder Secretary late Sri Y. Kameswara Rao established the Bala Bharathi Children's Cultural Society and Bala Bharathi School at Governorpet, Vijayawada in the year 1953. Subsequently, when the said Y. Kameswara Rao was removed from the post of Secretary and Correspondent, he filed a suit being O.S.No.375 of 1984 on the file of II Additional District Munisif, Vijayawada and obtained decree in his favour on 29.01.1990, wherein it was held that the election of defendant Nos.1 to 9 as working committee members and defendant No.10 as Correspondent of the Society in question was illegal. Aggrieved of the same, the defendants in the said suit filed an appeal before the II Additional Senior Civil Judge, Vijayawada vide A.S.No.20 of 1990, which was partly allowed observing that the election of defendant Nos.1 to 9 as working committee members and defendant No.10 as Correspondent of the society in question was illegal and permitting defendant No.10 to act as Correspondent of the society in question till the election substituted by a valid meeting and resolution, is made. It is stated that pursuant to the said judgment and decree of the appellate Court, a general body meeting was held on 13.08.1999 with all procedural formalities, in which the petitioner was elected as Secretary-cum-Treasurer-cum-Correspondent of the Society and School in question. The grievance of the petitioner is that immediately after he was elected as Correspondent of the Society and School in question, he made a representation to the respondents to permit him to function as a Correspondent, but no orders have been passed by the respondents so far. Hence, the present writ petition.

Heard the learned counsel for the petitioner and the learned Government Pleader for School Education.

Admittedly, as against the impugned action of the respondents, the petitioner has got an alternative efficacious remedy to approach the competent Civil Court and the petitioner, without availing the said remedy, approached this Court by invoking the extraordinary jurisdiction under Article 226 of the Constitution of India. Hence, the writ petition is not maintainable and the same is liable to be dismissed.

Accordingly, the writ petition is dismissed. However, the petitioner is at liberty to approach the competent Civil Court for adjudication of his remedies. No costs.

_____ **(N.V.RAMANA, J)**

Dated :20.06.2005

MRKR/NSR

To

- 1 The Director of School Education, Saifabad, Hyderabad.
- 2 The Regional Joint Director, Kakinada, East Goadavari District.
- 3 The District Educational Officer, Machilipatnam, Krishna District.
- 4 Two C.Cs to the Government Pleader for School Education, High Court Buildings, Hyderabad.
- 5 Two C.D. copoies.

*Form-NIC-OGS/WP{**MADHURI**}*